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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,524	12/28/2000	Geoffrey W. Peters	INTL-0428-US (P9134)	6671
7590	10/02/2003		EXAMINER	
Timothy N. Trop TROP, PRUNER & HU, P.C. STE 100 8554 KATY FWY HOUSTON, TX 77024-1805			TABATABAI, ABOLFAZL	
			ART UNIT	PAPER NUMBER
			2625	
			DATE MAILED: 10/02/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/750,524	PETERS, GEOFFREY W.	
	Examiner	Art Unit	
	Abolfazl Tabatabai	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 28 December 2000.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-30 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 28 December 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-17 and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Sotoda et al (5,835,641).

Regarding claim 1, Sotoda discloses an image pick-up apparatus and method for detecting and enlarging registered objects which comprising:

detecting a color characteristic (Column 15, lines 25-36);

detecting motion (Column 7, lines 8-14 and column 8, lines 43-52); and,

controlling a processor-based system based on the detection of motion and a color characteristics (Column 13, lines 55-60).

Regarding claim 2, Sotoda discloses the method wherein including controlling a processor-based system based on the detection of flesh color and the detection of a shape associated with a human being (Column 12, lines 49-48).

Claim 3, is similarly analyzed as claims 1 and 2 above.

Regarding claim 4, Sotoda discloses the method wherein including capturing a frame of video at a time, and determining after capturing each frame whether or not flesh color has been detected (Column 9, lines 18-35).

Regarding claim 5, Sotoda discloses the method wherein including removing the flesh color from the captured video (Column 12, lines 55-60).

Regarding claim 6, Sotoda discloses the method wherein including moving an animation object while capturing video and removing the detected flesh color from the captured video (Column 16, lines 25-28 and column 22, lines 51-65)

Regarding claim 7, Sotoda discloses the method wherein including capturing video of an animation object in a plurality of different positions and automatically removing an image of a user's hand from the captured video (Column 8, lines 57-64).

Claim 8, is similarly analyzed as claims 1 above.

Claim 9, is similarly analyzed as claims 2 above.

Claim 10, is similarly analyzed as claims 3 above.

Claim 11, is similarly analyzed as claims 4 above.

Claim 12, is similarly analyzed as claims 6 above.

Claim 13, is similarly analyzed as claims 7 above.

Regarding claim 14, Sotoda discloses a system comprising:

a processor(Column 12, lines 41-58);

a storage coupled to said processor-storing instructions that enable the processor to detect motion and a color characteristic and to control the system based on the detection of motion and the color characteristic (Column 9, lines 12-17).

Claim 15, is similarly analyzed as claims 2 above.

Claim 16, is similarly analyzed as claims 3 above.

Regarding claim 17, Sotoda discloses the system wherein including a digital imaging device coupled to said processor (Column 3, lines 62-67 and column 5, lines 25-44).

Claim 28, is similarly analyzed as claims 1 above.

Claim 29, is similarly analyzed as claims 5 above.

Claim 30, is similarly analyzed as claims 6 above.

## **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 18, 20-23, 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Josephson et al (5,627,901).

Regarding claim 18, Josephson discloses a directional microphone intended for use in computer visual display which a method comprising:

capturing a video image of a speaker(Column 5, lines 7-12);

receiving audio information from the speaker through at least one microphone(Column 3, lines 42-53);

determining the user's position (Column 5, lines 54-66); and,

based on the user's position, adjusting a characteristic of the microphone (Column 14, lines 28-31).

Regarding claim 20, Josephson discloses the method wherein including tracking the user's facial position in two dimensions and estimating the user's facial position in a third dimension (Column 11, lines 15-24).

Regarding claim 21, Josephson discloses the method wherein including tracking the user's facial position in three dimensions (Column 11, lines 15-24).

Regarding claim 22, Josephson discloses the method wherein including using a point of source filter to adjust the audio information received from the user and providing said adjusted audio information to a speech recognition engine (Column 14, lines 28-31).

Claim 23, is similarly analyzed as claims 18 above.

Claim 25, is similarly analyzed as claims 20 above.

Claim 26, is similarly analyzed as claims 21 above.

Claim 27, is similarly analyzed as claims 22 above.

## **Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Josephson et al (5,627,901) as applied to claims 18 and 23 above, and further in view of Salisbury (5,917,775).

Regarding claim 19, Joseph son is silent about the method wherein including receiving audio information from a pair of microphones and adjusting the sensitivity of the microphones based on the relative positioning of the user with respect to each microphone.

On the other hand Salisbury teaches: Adjusting the sensitivity of the microphone based on the relative positioning of the user with respect to each microphone (Column 4, lines 33-39).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use Adjusting the sensitivity of the microphone based on the relative positioning of the user with respect to each microphone as taught by Salisbury because it provides a microphone for detecting pre-set sensitivity levels and the system is capable to detecting the discharge of a firearm and transmitting an alerting signals to a predetermined location of discharge.

Regarding claim 24, Salisbury discloses the system wherein including a pair of video cameras for capturing an image of said user (Column 1, lines 37-41). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use pair of video cameras for capturing an image of user as taught by Salisbury because it provides a microphone for detecting pre-set sensitivity levels and the system is capable to detecting the discharge of a firearm and transmitting an alerting signals to a predetermined location of discharge.

#### **Other prior art cited**

7. The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Girod (6,483,532 B1) disclose a video-assisted audio signal processing system and method.

Correa (6,024,337) disclose a computer monitor utility assembly.

Drumm (5,426,450) disclose hands-free hardware keyboard.

### **Contact Information**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABOLFAZL TABATABAI whose telephone number is (703) 306-5917.

The examiner can normally be reached on Monday through Friday from 9:30 a.m. to 7:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Mehta Bhavesh M, can be reached at (703) 308-5246.

**Any response to this action should be mailed to:**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**Or faxed to:**

(703) 872-9306 (for *formal* communications; please mark  
“**EXPEDITED PROCEDURE**”)

**Hand delivered responses** should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 305-4750  
Abolfazl Tabatabai  
Patent Examiner  
Group Art Unit 2625

Application/Control Number: 09/750,524  
Art Unit: 2625

Page 8

September 20, 2003



Jayanti K. Patel  
Primary Examiner